

Despite talk of an ‘off ramp’ from the crisis, Crimea is already lost to Russia: Kyiv’s priority should be accommodating its Russophone citizens in Eastern Ukraine

LSE blogs.lse.ac.uk/europpblog/2014/03/14/despite-talk-of-an-off-ramp-from-the-crisis-crimea-is-already-lost-to-russia-kyivs-priority-should-be-accommodating-its-russophone-citizens-in-eastern-ukraine/

14/03/2014

*Talks between the United States and Russia are being held in London over the situation in Crimea, with the region due to hold a referendum on Sunday that could see it secede from Ukraine and join the Russian Federation. **Jim Hughes** writes that the idea being put forward by the United States and the EU that the Organization for Security and Co-Operation in Europe (OSCE) could be used as an ‘off ramp’ for Russia from the crisis is misguided. He notes that the OSCE lacks credibility in Russia and that it would now be politically impossible for Moscow to back track on Crimea. Rather, the new Ukrainian government’s priority should be to prevent violence from erupting in Eastern Ukraine by offering a policy of accommodation to its Russian speaking citizens.*



The Kerry-Lavrov talks today in London occur in a context where bridging the divisions over Crimea appear next to politically impossible. Given the absence of a shooting war in Crimea, most diplomatic energies are being invested in the information war of spin. Some tabloid level commentating even ludicrously compares Putin to Hitler. Much attention is devoted to “making Russia pay”, but so far that effort is focused on a sanctions-lite approach and partial isolation.

Here I want to discuss one proposal that is being promoted by the US, EU and their respective medias – the idea that the “off ramp” for Russia out of the Crimea crisis lies in the [Organization for Security and Co-operation in Europe](#) (OSCE). That organisation is being widely portrayed in the West as a synonym for an independent mediator. Nothing could be further from reality. Outrage is vented in the media about the pro-Russian forces in Crimea blocking access for an OSCE delegation of military observers. No doubt that blockage is Russian ordered. There are several reasons why the OSCE would not be a useful mediator in this crisis, neither objectively nor as far as Russia is concerned. If the OSCE cannot be a diplomatic route out of the crisis then what measures might provide a route to a de-escalation?

The OSCE’s lack of credibility in Russia

One of the OSCE’s best known logos is that its turf famously straddles the Northern hemisphere “from Vancouver to Vladivostok”. It seems inclusive. It seems like it could encapsulate that much ill-used and abused term “international community”. The ideological message would seem very different if its logo read “from Washington to Warsaw”. That is, in fact, a more appropriate designation. For what is completely overlooked in much of the Western discussion about the OSCE is that the OSCE has no credibility with Russia. It is not simply that the OSCE is a discredited organisation from the perspective of Russian governments, but it has little credibility among the broadest swathes of Russia’s political classes – from democrats to the most extreme nationalists.

If we are to date the decline in the OSCE’s credibility then we have two factors to consider. Firstly, the disillusionment among Russia’s broad political elites that the OSCE could be “a force for good”, in the sense of consolidating Russia’s democratisation, dates back to the elections of 1996 to 2000. The 1996 election was won against the odds by Boris Yeltsin, and the 2000 election was won by his handpicked successor Vladimir Putin.

Both elections were subject to extensive manipulation. In 1996, OSCE and EU authorities chose to ignore serious electoral irregularities in order to bolster Yeltsin’s survival. One of the most flagrant, bordering on the absurd, abuses was the ballot stuffing in Chechnya. At the height of the first bloody Russo-Chechen war, the official results showed that Chechens voted for Yeltsin by an overwhelming 73 per cent of the vote (supposedly about 1 million votes,

despite the fact that hundreds of thousands were in IDP camps in Ingushetia).

The OSCE also approved the Duma elections of 1999 which saw the democratic and nationalist opposition excluded from parliament, supposedly for failing to exceed the 5 per cent threshold. Putin's first election as president in March 2000 was described as a "benchmark" (sic) for Russia's democratic development by the OSCE. It was only from 2003, as relations between the US and Russia soured, that the OSCE began to stress the many official methods of manipulation, such as "administrative resources" and control of the media. These OSCE criticisms of Russian elections have continued from 2003 to the present, but it was a crudely obvious political about turn.

Secondly, the loss of credibility of the OSCE as a force for human rights can be traced to the years 2000-1. The specific issue then was the closure of OSCE Missions in Latvia and Estonia. It is an issue that I have been researching for some years, including materials in the OSCE archive in Prague and interviews. The missions were set up to monitor the threats posed to the human rights of Russophones by the removal of citizenship (some half a million of whom remain "stateless" non-citizens to this day) and a systematic policy in both states of limiting the use of Russian language in the public sphere, and even placing some restrictions on its use in the private sphere.

To facilitate the entry of both countries into NATO (2004) and the EU (2004), those OSCE missions had to be closed, irrespective of human rights considerations. Certain conditions to safeguard Russophone minority protections had been imposed by the OSCE in 2000, under "Guidelines" for closure formulated under the Austrian OSCE chair Benita Ferrero-Waldner (who went on to become a European Commissioner in 2004-10). There was a great deal of foot dragging and outright blockage by Estonia and Latvia, especially the latter. Nevertheless, in 2001 there was a US and EU-led push to ram through the closure of the missions despite Latvia's overt refusal to comply with the conditions. Consequently, the decisions by the OSCE Permanent Council meetings of December 2001 to close both missions was characterised by one of my EU country interviewees as akin to 'banging a square peg into a round hole'.

Not only, did Russia oppose the closures, but so did Canada. The decision, and the mode of its delivery, consolidated Russia's profound lack of faith in the work of the OSCE and its 'double standards' – a term that became a standard frame in the Russian discourse on the OSCE thereafter. To think that this is merely another "Russia problem" or "Putin problem" with the OSCE would be a major error. In fact, it has been known for many years behind the scenes that Canada has been equally discontented by the increasing shift of the OSCE to being dominated by a US-led bloc of EU/NATO countries. Canada's disgust was finally vented publicly in 2012-13, when the country came to the verge of actually quitting its membership.

When Putin bluntly told the 43rd Munich Conference on Security Policy in February 2007 that a U.S.-led "unipolar world" has "nothing in common with democracy", he also drove a stake into the heart of the OSCE as the organisation for promoting security and cooperation in Europe, declaring: "People are trying to transform the OSCE into a vulgar instrument designed to promote the foreign policy interests of one or a group of countries. And this task is also being accomplished by the OSCE's bureaucratic apparatus."

These views were confirmed again a year later in February 2008 when the US and many EU countries rushed to recognise Kosovo's unilateral secession from Serbia, despite Contact Group agreements to the contrary. There should then be no surprise at Russia's rejection of OSCE involvement in the Crimea question in 2014, as its views



John Kerry and Sergey Lavrov (Public Domain)

on the organisation have been well known for many years. Post-Kosovo, the US proposal for a new Contact Group on Crimea is preposterous, as such multilateral groups whether in Kosovo, or dealing with Nagorno-Karabagh, or Georgia/South Ossetia, have led nowhere.

The only positive thing that can be said about Contact Groups is that they can kick difficult issues into the long grass for many years, thus “freezing” conflicts. However, Kosovo also demonstrates that Contact Groups are ultimately driven by the national interests of participating powers, not a highfalutin agenda of peace-building, or a desire to uphold international law. As Merkel once told Putin, Germany had a “somewhat different interpretation” of UN Security Resolution 1244 in determining the status of Kosovo.

A way forward without the OSCE

So what then are the options for managing the Crimea crisis? There is much talk of an “off ramp” for Russia, but in fact what is needed is an “off ramp” for the US and Europeans. I think we can be certain that the majority of Crimeans wish to reunite with Russia. Whether the referendum is held under free and fair conditions is another matter altogether. The vote is a foregone conclusion. Events have gone too far in Russia, with Putin and the Russian parliament preparing the constitutional path for Crimea to rejoin Russia, and Putin’s popularity at a two year high according to the polls.

It would be politically impossible for Russia to back track on Crimea, and it would be morally wrong having raised the expectations of Crimeans for democratic expression of their views on reunification to now dash them. Crimea will be absorbed into the Russian Federation and therefore its status will not be “frozen”, say like that of Transdniestria or South Ossetia. It has every prospect of enjoying a tourist boom from Russian visitors, and inward Russian investment and development – things which the Ukrainian state have failed to deliver over the last two decades.

How then to get the US and EU on to the “off ramp”. Some EU countries are already there. Germany, France, Britain and Italy will be major losers in any serious game of sanctions and asset seizures, since all are major players in either trade, energy production and supply, or financial services involving Russia. The US has least to lose economically from upping the ante on sanctions since it has little trade or investment in Russia, but it has a great deal to lose in that Obama will have to do a total write off total loss of th of his “reset” of US-Russia relations.

The reasons that motivated that reset have not changed, as the US vitally needs Russian cooperation on a range of matters that really do concern its national interests (unlike Crimea). Likewise, Russia has little to lose from a cooling of relations with the US, since its views on matters relating to its national interest, even in its own backyard, were not being recognised by the US in any event. In short, this mini-crisis is a golden opportunity for the US and the Great Powers in the EU to start taking Russian interests more seriously, and to stop the tail wagging the dog trend whereby the new member states of Eastern Europe have infused Western policy making on Russia with their own variant of zero-sum Russophobia. A start could be made by pushing the new Ukrainian authorities towards federalism, and by heading off a future crisis by compelling Latvia and Estonia to provide equal rights for Russophones.

With Crimea’s status soon to be resolved de facto, the strategic focus must soon shift to where it really should be – Eastern Ukraine. The potential for massive Russophone unrest here is serious. Russia could very easily play a spoiling role in stirring up unrest. Already there are calls in those regions for a referendum on an autonomy status. The new Ukrainian power structures seem to view that as a step towards disintegration, and are organising a 60,000 strong national militia – an indication that its instincts are for coercion rather than suasion.

The democrat-nationalist alliance that is in power in Kyiv lacks one key normative attribute which would enable them to successfully deescalate the situation in the East. It is what Lijphart termed the “spirit of accommodation” among elites and it is the glue that binds those elites together in making a consociational constitutional system work. A more inclusive approach would make provisions for Russian language status and an institutional reconfiguration of the state on to more federal lines. A very poor signal of intent was sent by the Ukrainian parliament’s early decision to

annul a law on minority language rights (though it was vetoed by the acting president).

There are many countries that have multiple official languages. The EU (which Ukraine aspires to join) itself has 24. For example, Belgium, in which the European Commission resides, has three. Finland and Ireland have two, Luxembourg three, Switzerland three. As regards recognised regional languages Spain has six, the UK has six, and Netherlands five. A major part of any de-escalation of the protests in the East will require a much greater spirit of generosity towards inclusivity and indeed moves towards the parity of status of Ukrainian and Russian languages. Federalism was a dirty word among Ukraine's democrats and nationalists in the 1990s. This crisis presents a new opportunity for the elites to rethink the constitutional order. Greater decentralisation or autonomy will come too late for saving Crimea, but it is the only mechanism outside of police coercion for managing the eastern oblasts.

Instead of hosting failed adventurers like former president of Georgia Mikheil Saakashvili on the platform at the Maidan, Ukraine should learn some lessons from his successors. The victors in the Georgian election of 2012, Georgian Dream – Democratic Georgia, have leaders who have completely reversed a fifteen year long Georgian policy of hostility and coercion toward their "lost" territories of Abkhazia and South Ossetia. The discourse is now one of apology for past misdeeds, an emphasis on being inclusive and a spirit of generosity towards minority protections. Ukraine's new rulers could anticipate and pre-empt mass violence by willingly taking the lead on a policy of accommodation before events force their hand.

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Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.

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